



## CITY COUNCIL MEETING AGENDA

April 11, 2011

City Council Chambers  
12000 Findley Road, Suite 300  
<http://www.JohnsCreekGA.gov>

7:00pm

A) CALL TO ORDER

B) ROLL CALL

C) PLEDGE OF ALLEGIANCE

D) OPENING REMARKS

E) MINUTES

- Consideration of March 28, 2011 Work Session Summary and Council Meeting Minutes

F) APPROVAL OF MEETING AGENDA – Add/Remove Agenda Items

G) PUBLIC COMMENT

H) CONSENT AGENDA – Consent Agenda Items

I) ANNOUNCEMENTS

J) REPORTS AND PRESENTATIONS

K) OLD BUSINESS

L) NEW BUSINESS

1. **O2011-04-08** CONSIDERATION OF AN ORDINANCE TO AMEND SECTION 3.23 OF THE CHARTER FOR THE CITY OF JOHNS CREEK RELATING TO THE CITY MANAGER SO AS TO MODIFY, CLARIFY AND/OR INCLUDE PROVISIONS REGARDING THE MANNER OF APPOINTMENT, QUALIFICATION, COMPENSATION AND REMOVAL; AND FOR OTHER PURPOSES
2. **O2011-04-09** CONSIDERATION OF AN ORDINANCE TO AMEND SECTION 4.12 OF THE CHARTER FOR THE CITY OF JOHNS CREEK RELATING TO THE CITY ATTORNEY SO AS TO PROVIDE THAT THE CITY ATTORNEY SERVES AT THE PLEASURE OF THE CITY COUNCIL AND TO CLARIFY THAT THE APPOINTMENT OF THE CITY ATTORNEY IS SUBJECT TO RATIFICATION BY CITY COUNCIL; AND FOR OTHER PURPOSES
3. **O2011-04-10** CONSIDERATION OF AN ORDINANCE TO AMEND SECTION 6.24 OF THE CHARTER FOR THE CITY OF JOHNS CREEK RELATING TO THE OPERATING BUDGET SO AS TO PROVIDE THAT THE PROPOSED OPERATING BUDGET FOR THE ENSUING FISCAL YEAR SHALL BE SUBMITTED TO THE CITY COUNCIL BY THE CITY MANAGER NO LATER THAN 15 DAYS PRIOR TO THE BEGINNING OF SUCH FISCAL YEAR; AND FOR OTHER PURPOSES

M) OTHER BUSINESS

N) PUBLIC COMMENT

O) MAYOR'S COMMENTS

P) EXECUTIVE SESSION (If Needed)

Q) ADJOURNMENT

**CITY OF JOHNS CREEK**  
**WORK SESSION SUMMARY**  
**March 28, 2011, 5:00pm**

The City of Johns Creek Mayor and Council held a Work Session on Monday, March 28, 2011 at 5:00pm. The Work Session was held in the Taylor Farms Conference Room at City Hall, located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia 30097. In attendance were Council Members R. Johnson, B. Miller, I. Figueroa, K. Richardson, K. Stewart, D. McCabe and Mayor M. Bodker. City Manager J. Kachmar, Attorney B. Riley and other Department Heads were present.

Mayor Bodker opened the meeting with the Pledge of Allegiance.

In his **opening comments**, the Mayor informed Council Adam Orkin from the MARTA Board mentioned March 30<sup>th</sup> is the deadline for finalizing a list of MARTA projects and indicated there was no support for funding projects in North Fulton and the City, due to the perception the policies do not encourage increasing density, particularly near transit stops. The Mayor added that Johns Creek citizens pay the penny tax to support MARTA funding and therefore should be compensated as such. The Mayor also informed Council of a lawsuit recently filed in the United States District Court against the State of Georgia seeking the dissolution of the newly formed cities and an injunction on any legislation for the formation of Milton County. He said our City Attorney and Representative Wendell Willard will be reviewing the case.

Finance Director Vavra Adam Fraley introduced Adam Fraley with Mauldin & Jenkins who summarized the City's **2010 Audit Report and Comprehensive Annual Financial Report (CAFR)**. Mr. Fraley noted this is a "clean opinion" and this report will be submitted to the Georgia Finance Officers Association for additional review. Mr. Fraley reviewed how the new accounting standards, effective 9/2010 will need to be implemented moving forward, GASB 54, etc. Director Vavra also highlighted the *statistical section* of the CAFR which provides a snap shot of the city's financial picture. Mayor Bodker thanked Director Vavra and his staff for their great work.

Assistant City Attorney Scott Hastey reported on the **Legislative Delegation Letter and the Related Ordinance** in reference to Charter revisions. Attorney Hasty informed Council the adopted resolution recommending several Charter revisions was forwarded to the Legislative Delegation for action. The delegation responded with a letter indicating one request[boundary change] was not feasible at this time but other proposed revisions regarding administrative management and budget timeline could be approved by Council under "Municipal Home Rule", as outlined in the Georgia Constitution and General Law. Attorney Hastey reported the procedures for Home Rule requires the changes to be adopted by Ordinance following two consecutive Council Meetings, and the proposed changes must be advertised for three weeks prior to the first meeting. City Attorney Riley noted to the council as one of the proposed changes affects his office, advising Council on invoking Home Rule could be construed as a conflict, and he recommended consulting with outside Council on this. Council discussed the boundary changes and suggested reaching out to the other jurisdictions, responding to the delegation comments the request should be communicated by a joint resolution between the affected cities. There was additional discussion on the Home Rule provision with council suggesting to reach out to the Sandy Springs City Attorney for assistance, the legal organ for posting a notice, and further clarifying and distinguishing delegation comments regarding the authority of Council to immediately commence a Charter Commission and/or act under Home

Rule on the current revisions. There was Council consensus to add to tonight's Council Meeting agenda a discussion on commencing the Home Rule process by moving forward with the advertisement of proposed revisions.

There being no further business Mayor Bodker adjourned the Work Session.

Approved,

Attest,

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Michael E. Bodker, Mayor

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Joan C. Jones, City Clerk

**CITY OF JOHNS CREEK**  
**COUNCIL MEETING**  
**March 28, 2011 @ 7:00pm**

The City of Johns Creek Mayor and Council held a monthly meeting on Monday, March 28, 2011. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

**COUNCIL PRESENT:** Post 1-Randall Johnson  
Post 2-Dan McCabe  
Post 3-Karen Richardson  
Post 4-Ivan Figueroa  
Post 5 Kelly Stewart  
Post 6-Bev Miller  
Mayor Mike Bodker

**STAFF PRESENT:** City Clerk Joan Jones  
City Manager, John Kachmar  
City Attorney Bill Riley

**PLEDGE OF ALLEGIANCE:** Led by Johns Creek Police Officer Roland Castro.

**OPENING REMARKS:** Mayor Bodker welcomed everyone to the meeting and thanked our City Clerk Joan Jones for arranging the recent Strategic Planning Workshop with facilitator Lyle Sumek, saying it was very productive. The Mayor announced he participated in the Metropolitan Atlanta Mayor's Association annual "Georgia Rides to the Capitol" event; attended the annual Council for Quality Growth Meet and Greet with Council Member Figueroa and along with several Council Members attended the Johns Creek Arts Center annual Bowls Event and addressed River trail Middle School 8<sup>th</sup> grade students. The Mayor also mentioned he had the honor of interviewing very impressive Johns Creek High School students who were finalists in the competition for the PTSA scholarship and commented on the great work of the PTSA. He invited everyone to attend the Police Department's third annual golf tournament on April 11<sup>th</sup> at the Standard Club, to benefit the Special Olympics and mentioned attending the recent golf tournament held by the Johns Creek Chamber. In closing, the Mayor congratulated the JCFD Swift Water Rescue team and the good Samaritans who assisted in the Chattahoochee River rescue this past weekend, and urged everyone to exercise caution when using the river. In closing, Mayor Bodker announced the Southeastern Lacrosse Championship is returning to the City the weekend of April 29 to May 1.

**MINUTES:** Council Member Johnson motioned, seconded by Council Member Miller, to approve the March 14, 2011 Work Session Summary and the Council Meeting Minutes as presented. There being no discussion, the motion passed unanimously.

**MEETING AGENDA APPROVED:** Council Member Miller motioned, seconded by Council Member McCabe to amend the meeting agenda, adding **New Business**, Item #4, an **ACTION ITEM**, Authorizing the City Clerk to Advertise for three Home Rule Charter Amendments stated in Resolution 2011-02-14, under Sections 1, 2, and 3. There being no discussion, the motion passed unanimously.

City Clerk Jones read the Public Comment procedures.

**PUBLIC COMMENT:** Mark Endres addressed Council and commented although the Legislative Delegation stated Council has the authority to propose Charter revisions using Home Rule, he would prefer Council appoint the Charter Commission to review all revisions being considered. Bob Frame addressed Council and commented on the Delegation's letter to Council and use of Home Rule provision saying this rule should not be used to make significant changes and the revisions being proposed appear significant and added the proposed changes to the balance of power appear to be conflicting. David Kornbluh addressed Council, read a quote from George Washington on the role of government and said Council's proposed Charter change would change the balance of power and appears to be a conflict, and said the urgency for making the changes now, before the creation of a Charter commission, has not been discussed with the community. Andy Gelernter addressed Council on the proposed Second Hand Dealer Ordinance and said he has a children's consignment shop and the ordinance is unclear on regulations for his business.

**CONSENT AGENDA:** No Consent Agenda

**ANNOUNCEMENTS:** City Clerk Jones announced the CVB, RPAC and Planning Commission meetings scheduled for Tuesday, April 5<sup>th</sup> have been rescheduled because of Spring Break, to Tuesday, April 12<sup>th</sup>, at 9:00am, 4:00pm and 7:00pm respectively. The next upcoming meeting is:

- *Monday, 4/11/11 @5:00pm-Work Session, followed by 7:00pm-City Council Meeting*

**REPORTS & PRESENTATIONS:** Mayor Bodker provided a legislative update on a proposal for a tax reform bill which would include additional tax on vehicle sales telecommunication and satellite services and reduce state income taxes.

**OLD BUSINESS:** No Old Business.

**NEW BUSINESS:**

**AMEND CHAPTER 113 OF THE CODE- DEVELOPMENT REGULATIONS:** As this item was previously discussed at the March 14<sup>th</sup>, Work Session, Council had no additional questions for staff. Council Member Richardson motioned, seconded by Council Member Figueroa to approve Ordinance 2011-03-06 to Amend Chapter 113 of the Code of Johns Creek, Georgia (Development Regulations) to add provisions to comply with the Metropolitan North Georgia Water Planning District requirements; to add provisions regarding maintenance of private fire hydrants; to amend provisions regarding drainage easements and for other purposes. There being no discussion, the motion passed unanimously. (***ORDINANCE 2011-03-06***)

**AMEND ARTICLE IV OF THE CHAPTER 22- SECOND HAND DEALERS:** A Public Hearing on Ordinance 2011-03-07 to amend Article IV of Chapter 22 of the Code of the City of Johns Creek, Georgia (Licenses) by creating additional licensing requirements for secondhand dealerships within the City was held.

Assistant City Attorney Scott Hastey reviewed the Ordinance which was previously discussed at the March 14<sup>th</sup> Work Session and advised Council of changes to the *Section 22-100*, in subsection (1)-striking the requirement for the seller of goods to provide a social security number and in subsection (2)-add a sentence following "A digital camera will be used to collect the required pictures and transferred to a CD for submittal to read, *"Further, a fingerprint ink pad will be used to collect the required fingerprint of the seller.*

Mayor Bodker opened the public hearing on Ordinance 2011-03-07 to amend Article IV of Chapter 22 of the Code of the City of Johns Creek, Georgia (Licenses) by creating additional licensing requirements for secondhand dealerships and called for anyone wishing to speak on the matter.

Mr. Mark Endres commented the City's regulations covering secondhand retail increased from two pages to 12 pages with the proposed amendments and the new restrictions being obtrusive, will make it difficult for secondhand stores to effectively operate, will increase the costs of doing business because of the excessive paperwork required and provides no grandfathering clause for existing businesses; and he added, the regulations will scrutinize residents trying to sell items, is an invasion of privacy and residents will opt to go elsewhere to purchase or sell used goods. Andy Gelernter, said he and his wife own a consignment shop selling children goods, he lives in the City, and is concerned about how the regulations will affect his businesses, such as prohibiting the hiring of local high schools students and having to fingerprint his customers—many of whom are parents who live in the community. He asked Council to reconsider the proposed regulations.

There being no one else wishing to speak, Mayor Bodker closed the public hearing.

During discussion, Council Member Richardson asked Counsel if the proposed ordinance makes any distinctions between secondhand stores and pawn shops. Mr. Hastey responded the current language makes no distinction and references only secondhand goods. Council Member Figueroa motioned, seconded by Council Member Richardson to table Ordinance 2011-03-07 until the 2<sup>nd</sup> Council Meeting in April to provide for further staff review. In further discussion, the Mayor asked staff to consider the comments made during the public hearing as they proceed with their review. There being no further discussion, the motion passed unanimously.

**2011 CDBG ACTION PLAN CITIZEN PARTICIPATION PROCESS:** Chief of Staff Patty Hansen provided a re-cap of the Community Development Block Grant (CDBG) funding prospects as presented at the March 14<sup>th</sup> Work Session and reviewed the Citizen Participation Process for the 2011 Action Plan. She presented the Plan Calendar, outlining time-lines for presentations, posting, public hearing and comment periods and informed Council the plan must be posted online by April 7<sup>th</sup>. On the calendar presented, posting on the website was scheduled for March 30<sup>th</sup>, but due to scheduled site maintenance she recommended amending the Plan Calendar to note posting will be completed “prior to April 7<sup>th</sup>. Council Member Figueroa commented about the impact of federal budget cuts on the program and the impact on the city cities nationwide.

Council Member Figueroa motioned, seconded by Council Member Johnson to approve the Action Item approving the 2011 Community Development Action Plan Citizen Participation as amended, to be posted on or prior to April 7, 2011. There being no further discussion the motion passed unanimously. (***ACTION ITEM***)

**HOME RULE CHARTER AMENDMENTS:** As this item was discussed at tonight's Work Session there was no presentation required. Council Member Johnson motioned, seconded by Council Member McCabe to Authorize the City Clerk to advertise for Home Rule Charter Amendments under Sections 1, 2 and 3 as stated in Resolution 2011-02-14. During discussion, Mayor Bodker commented although in concept he supports the revisions, he opposes the process

and feels as the time is close to form a Charter Commission and the amendments should come via the Commission's recommendations. There being no further discussion, the motion passed 6 to 1, with Council Members Johnson, McCabe, Richardson, Figueroa, Stewart and Miller supporting the motion and Mayor Bodker opposing the motion. (***ACTION ITEM***)

**OTHER BUSINESS:** None

**PUBLIC COMMENT:** No public comment.

**MAYOR'S COMMENT:** The Mayor thanked everyone for attending the meeting and wished all a good evening and a happy spring break. He urged motorists to use caution on the road as children will be out of school.

**EXECUTIVE SESSION:** No Executive Session.

**ADJOURNMENT:** There being no further business, Council Member Figueroa made a motion to adjourn the meeting, Council Member Stewart seconded this motion. The motion carried unanimously and the meeting was adjourned.

Approved:

Attest:

\_\_\_\_\_  
Michael E. Bodker, Mayor

\_\_\_\_\_  
Joan C. Jones, City Clerk

**AN ORDINANCE TO AMEND SECTION 3.23 OF THE CHARTER FOR THE CITY OF JOHNS CREEK RELATING TO THE CITY MANAGER SO AS TO MODIFY, CLARIFY AND/OR INCLUDE PROVISIONS REGARDING THE MANNER OF APPOINTMENT, QUALIFICATION, COMPENSATION AND REMOVAL; AND FOR OTHER PURPOSES**

WHEREAS, Section 3.23 of the Charter for the City of Johns Creek (also referred to herein as the “Charter”) provides for the creation of an officer of the City, whose title shall be “city manager”; and

WHEREAS, the Council of the City of Johns Creek has determined that provisions providing for the appointment, qualification, compensation and removal of the city manager need to be modified, clarified and/or included; and

WHEREAS, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. §36-35-1, et seq.; and

WHEREAS, O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven (7) nor more than sixty (60) days apart; and

WHEREAS, the Council of the City of Johns Creek while at a regular meeting on March 28, 2011, approved and authorized the publication of notice pursuant to O.C.G.A. § 36-35-3 for the purpose of amending Section 3.23 of the Charter in accordance with The Municipal Home Rule Act of 1965; and

WHEREAS, the required notice has been published once a week for three weeks prior to the final adoption of this Ordinance to amend Section 3.23 of the Charter; and

WHEREAS, the required notice has been published within the statutory period of sixty (60) days immediately preceding the final adoption of this Ordinance to amend Section 3.23 of the Charter; and

WHEREAS, a copy of the proposed amendment is on file in the Office of the Clerk of Johns Creek and in the Office of the Clerk of the Superior Court of Fulton County, Georgia for the purpose of examination and inspection by the public, as required by law; and

WHEREAS, the Clerk of the City of Johns Creek shall furnish anyone, upon written request, a copy of the proposed amendment, as required by law; and

WHEREAS, this Ordinance to amend Section 3.23 of the Charter shall be read and duly adopted at two regular consecutive City Council meetings not less than seven (7) nor more than sixty (60) days apart as required by O.C.G.A. § 36-35-3.

NOW, THEREFORE, in accordance with O.C.G.A. §36-35-3 the Council of the City of Johns Creek hereby ordains that Section 3.23 of the Charter for the City of Johns Creek is hereby amended by deleting it in its entirety and replacing in lieu thereof the following Section 3.23, which shall henceforth read as follows:

**Sec. 3.23 – City manager; appointment; qualification; compensation; and removal.**

- (a) The mayor shall appoint for an indefinite term an officer, subject to ratification by the city council, whose title shall be the "city manager." The city manager shall be appointed



without regard to political beliefs and solely on the basis of his or her executive and administrative qualifications with special reference to his or her educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed.

- (b) The mayor or a councilmember may recommend the removal of the city manager from office in accordance with the following procedures:
- (1) In response to such recommendation, the city council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;
  - (2) Within ten days after a copy of the resolution is delivered to the city manager, that person may file with the city council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the city council a written reply not later than five days before the hearing; and
  - (3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this subsection, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the city manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members at any time after the public hearing.
- (c) The city manager shall continue to receive the city manager's salary until the effective date of a final resolution of removal.

SO ORDAINED this 25<sup>th</sup> day of April, 2011.

Approved:

\_\_\_\_\_  
Michael E. Bodker, Mayor

Attest:

\_\_\_\_\_  
Joan Jones, City Clerk

(Seal)

First Reading and Adoption of Ordinance No. 2011-04-08  
to amend Section 3.23 of the Charter on April 11, 2011.

Approved:

Attest:

\_\_\_\_\_  
Michael E. Bodker, Mayor

\_\_\_\_\_  
Joan Jones, City Clerk (Seal)

**STATE OF GEORGIA  
COUNTY OF FULTON**

**ORDINANCE 2011-04-08**

Second Reading and Adoption of Ordinance No. 2011-04-08  
to amend Section 3.23 of the Charter on April 25, 2011.

Approved:

Attest:

\_\_\_\_\_  
Michael E. Bodker, Mayor

\_\_\_\_\_  
Joan Jones, City Clerk (Seal)

**AN ORDINANCE TO AMEND SECTION 4.12 OF THE CHARTER FOR THE CITY OF JOHNS CREEK RELATING TO THE CITY ATTORNEY SO AS TO PROVIDE THAT THE CITY ATTORNEY SERVES AT THE PLEASURE OF THE CITY COUNCIL AND TO CLARIFY THAT THE APPOINTMENT OF THE CITY ATTORNEY IS SUBJECT TO RATIFICATION BY CITY COUNCIL; AND FOR OTHER PURPOSES**

WHEREAS, Section 4.12 of the Charter for the City of Johns Creek (also referred to herein as the “Charter”) provides for the creation of the “city attorney” as an officer of the City; and

WHEREAS, the Council of the City of Johns Creek has determined that a provision regarding the authority for removal of the city attorney needs to be amended and that a provision regarding the ratification of the appointment of the city attorney needs to be clarified; and

WHEREAS, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. §36-35-1, et seq.; and

WHEREAS, O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven (7) nor more than sixty (60) days apart; and

WHEREAS, the Council of the City of Johns Creek while at a regular meeting on March 28, 2011, approved and authorized the publication of notice pursuant to O.C.G.A. § 36-35-3 for the purpose of amending Section 4.12 of the Charter in accordance with The Municipal Home Rule Act of 1965; and

WHEREAS, the required notice has been published once a week for three weeks prior to the final adoption of this Ordinance to amend Section 4.12 of the Charter; and

WHEREAS, the required notice has been published within the statutory period of sixty (60) days immediately preceding the final adoption of this Ordinance to amend Section 4.12 of the Charter; and

WHEREAS, a copy of the proposed amendment is on file in the Office of the Clerk of Johns Creek and in the Office of the Clerk of the Superior Court of Fulton County, Georgia for the purpose of examination and inspection by the public, as required by law; and

WHEREAS, the Clerk of the City of Johns Creek shall furnish anyone, upon written request, a copy of the proposed amendment, as required by law; and

WHEREAS, this Ordinance to amend Section 4.12 of the Charter shall be read and duly adopted at two regular consecutive City Council meetings not less than seven (7) nor more than sixty (60) days apart as required by O.C.G.A. § 36-35-3.

NOW, THEREFORE, in accordance with O.C.G.A. §36-35-3 the Council of the City of Johns Creek hereby ordains that Section 4.12 of the Charter for the City of Johns Creek is hereby amended by deleting it in its entirety and replacing in lieu thereof the following Section 4.12, which shall henceforth read as follows:

**Sec. 4.12. - City attorney.**

The mayor shall nominate a city attorney subject to ratification by the city council who shall be a member of the State Bar of Georgia and shall have actively practiced law for at least one year. The city attorney shall serve at the pleasure of the city council. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, may be the prosecuting officer in the municipal court, shall attend the meetings of the council as directed, shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs, and shall perform such other duties as may be required by virtue of the position of city attorney. The city council shall provide for the compensation of the city attorney.

SO ORDAINED this 25<sup>th</sup> day of April, 2011.

Approved:

\_\_\_\_\_  
Michael E. Bodker, Mayor

Attest:

\_\_\_\_\_  
Joan Jones, City Clerk

(Seal)

First Reading and Adoption of Ordinance No. 2011-04-09  
to amend Section 4.12 of the Charter on April 11, 2011.

Approved:

Attest:

\_\_\_\_\_  
Michael E. Bodker, Mayor

\_\_\_\_\_  
Joan Jones, City Clerk (Seal)

Second Reading and Adoption of Ordinance No. 2011-04-09  
to amend Section 4.12 of the Charter on April 25, 2011.

Approved:

Attest:

\_\_\_\_\_  
Michael E. Bodker, Mayor

\_\_\_\_\_  
Joan Jones, City Clerk (Seal)

**AN ORDINANCE TO AMEND SECTION 6.24 OF THE CHARTER FOR THE CITY OF JOHNS CREEK RELATING TO THE OPERATING BUDGET SO AS TO PROVIDE THAT THE PROPOSED OPERATING BUDGET FOR THE ENSUING FISCAL YEAR SHALL BE SUBMITTED TO THE CITY COUNCIL BY THE CITY MANAGER NO LATER THAN 15 DAYS PRIOR TO THE BEGINNING OF SUCH FISCAL YEAR; AND FOR OTHER PURPOSES**

WHEREAS, Section 6.24 of the Charter for the City of Johns Creek (also referred to herein as the "Charter") provides provisions regarding the operating budget for the City; and

WHEREAS, the Council of the City of Johns Creek has determined that a provision regarding the time for when the proposed operating budget for the ensuing fiscal year must be submitted to the City Council by the city manager needs to be amended; and

WHEREAS, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. §36-35-1, et seq.; and

WHEREAS, O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven (7) nor more than sixty (60) days apart; and

WHEREAS, the Council of the City of Johns Creek while at a regular meeting on March 28, 2011, approved and authorized the publication of notice pursuant to O.C.G.A. § 36-35-3 for the purpose of amending Section 6.24 of the Charter in accordance with The Municipal Home Rule Act of 1965; and

WHEREAS, the required notice has been published once a week for three weeks prior to the final adoption of this Ordinance to amend Section 6.24 of the Charter; and

WHEREAS, the required notice has been published within the statutory period of sixty (60) days immediately preceding the final adoption of this Ordinance to amend Section 6.24 of the Charter; and

WHEREAS, a copy of the proposed amendment is on file in the Office of the Clerk of Johns Creek and in the Office of the Clerk of the Superior Court of Fulton County, Georgia for the purpose of examination and inspection by the public, as required by law; and

WHEREAS, the Clerk of the City of Johns Creek shall furnish anyone, upon written request, a copy of the proposed amendment, as required by law; and

WHEREAS, this Ordinance to amend Section 6.24 of the Charter shall be read and duly adopted at two regular consecutive City Council meetings not less than seven (7) nor more than sixty (60) days apart as required by O.C.G.A. § 36-35-3.

NOW, THEREFORE, in accordance with O.C.G.A. §36-35-3 the Council of the City of Johns Creek hereby ordains that Section 6.24 of the Charter for the City of Johns Creek is hereby amended by deleting it in its entirety and replacing in lieu thereof the following Section 6.24, which shall henceforth read as follows:

**Sec. 6.24. Operating budget.**

On or before a date fixed by the city council but not later than 15 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as the city manager may deem pertinent. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SO ORDAINED this 25<sup>th</sup> day of April, 2011.

Approved:

\_\_\_\_\_  
Michael E. Bodker, Mayor

Attest:

\_\_\_\_\_  
Joan Jones, City Clerk

(Seal)

First Reading and Adoption of Ordinance No. 2011-04-10  
to amend Section 6.24 of the Charter on April 11, 2011.

Approved:

Attest:

\_\_\_\_\_  
Michael E. Bodker, Mayor

\_\_\_\_\_  
Joan Jones, City Clerk

Second Reading and Adoption of Ordinance No. 2011-04-10  
to amend Section 6.24 of the Charter on April 25, 2011.

Approved:

Attest:

\_\_\_\_\_  
Michael E. Bodker, Mayor

\_\_\_\_\_  
Joan Jones, City Clerk